



Paper No. 5

MAILED

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Technology Center 2100

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In re Application of: Jeffrey Alnwick)
Application No. 09/732,738) **DECISION ON PETITION FOR**
Filed: December 11, 2000) **ACCELERATED EXAMINATION**
For: METHOD AND SYSTEM FOR) **UNDER M.P.E.P. §708.02(VIII)**
ORDERING ITEMS OVER THE)
INTERNET)

This is a decision on the petition, filed January 16, 2002 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, ...
- (c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a *detailed discussion of the references*, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the *claimed subject matter is patentable over the references*.

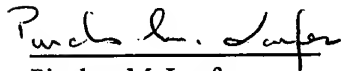
In those instances where the request for this special status does not meet all the prerequisites set forth above, *applicant will be notified and the defects in the request will be stated*. The application will remain in the status of a new application awaiting action in its regular turn. In

those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it merely reproduces the title provided in each reference and for some references, a brief discussion of a representative figure, accompanied by a statement that the particular reference does not include the features of the claimed invention. Features of independent claims 1 and 14 are discussed. However, in the Preliminary Amendment, dated January 16, 2002, the independent claims are 1 and 15. The submission does not satisfy the requirement of section (e), as it does not provide a *detailed discussion* of the references and it does not point out how the *claimed subject matter is patentable over the references*.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



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THE SPE/EXAMINER NEEDS TO FILL OUT THE FOLLOWING PRIOR
TO A DECISION BEING MADE ON THE PETITION TO MAKE SPECIAL



THERE IS NO RESTRICTION/ELECTION REQUIRED IN THIS CASE



THERE IS A RESTRICTION/ELECTION REQUIRED AND THE ATTORNEY
HAS ELECTED WITHOUT TRAVERSE



THERE IS A RESTRICTION/ELECTION REQUIRED AND THE ATTORNEY
HAS REFUSED TO ELECT WITHOUT TRAVERSE (MAKE SURE
ATTORNEY KNOWS THAT HIS PETITION TO MAKE SPECIAL WILL BE
DENIED IF HE REFUSES TO ELECT OR IF HE ELECTS WITH TRAVERSE)

PLEASE RETURN THE CASE ASAP TO:

STEVEN MEYERS

CPK5-7401
8726

(UNDER NO CIRCUMSTANCES SHOULD AN OFFICE ACTION BE ISSUED
PRIOR TO THE PETITION BEING DECIDED)